

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	NO. 99-525-03
v.	:	
	:	CIVIL ACTION
DEMARK DIXON	:	NO. 09-1606

ORDER

AND NOW, this 3rd day of June, 2009, upon consideration of *pro se* petitioner DeMark Dixon's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (Document No. 681, filed April 15, 2009), the Government's Response in Opposition to Defendant's Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Document No. 686, filed May 14, 2009), and petitioner's Response to the Government's Answer (Document No. 689, filed May 22, 2009), for the reasons set forth in the attached Memorandum, **IT IS ORDERED** that *pro se* petitioner DeMark Dixon's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody is **DISMISSED** as untimely filed.

A certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or this Court's procedural rulings with respect to petitioner's claims. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ **Jan E. DuBois, J.**

JAN E. DUBOIS, J.